



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Meulenberg et al.

Serial No.: 09/874,626

Filed: June 5, 2001

For: INFECTIOUS CLONES OF RNA
RIVUSES AND VACCINES AND
DIAGNOSTIC ASSAYS DERIVED
THEREOF

Examiner: U. Winkler, Ph.D.

Group Art Unit: 1648

Attorney Docket No.: 2183-4041.1US

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OFFICE OF PETITIONS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08 be considered by the Examiner and made of record. Copies of U.S. patents have been submitted electronically pursuant to Pre-OG Notices <<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/idswouscopies.htm>>(visited 9/15/2003). Copies of the acknowledgement receipt, listing of US references electronically submitted, fee transmittal and print screen including comments regarding fee are attached as Appendix A.

Copies of foreign patent documents and non-patent literature are enclosed pursuant to 37 C.F.R. § 1.98(a)(2).

Serial No.: 09/874,626

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US-3,137,631	06/1964	Soloway
US- 3,959,457	05/1976	Speaker et al.
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<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
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In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, Applicants hereby identify the following listed copending applications naming a common inventor(s):

Attorney Docket No.: 2183-5051US
Serial No.: 09/948,747
Filing Date: 9/7/2001
Title: PRRSV VACCINE

Attorney Docket No.: 2183-2643.3US
Serial No.: 10/226,065
Filing Date: 8/21/2002
Title: CAUSATIVE AGENT OF THE MYSTERY SWINE DISEASE,
VACCINE COMPOSITIONS AND DIAGNOSTIC KITS

Attorney Docket No.: 2183-5584US
Serial No.: 10/300,699
Filing Date: 11/19/2002
Title: CHIMERIC ARTERIVIRUS-LIKE PARTICLES

Attorney Docket No.: 2183-5911US
Serial No.: 10/407,822
Filing Date: 4/4/2003
Title: ADAPTATION SITES OF PORCINE REPRODUCTIVE AND
RESPIRATORY SYNDROME VIRUS

Attorney Docket No.: 2183-4041.2US
Serial No.: 10/745,949
Filing Date: 12/23/2003
Title: INFECTIOUS CLONES OF RNA RIVUSES AND VACCINES
AND DIAGNOSTIC ASSAYS DERIVED THEREOF

Attorney Docket No.: 2183-4041.3US
Serial No.: 10/750,410
Filing Date: 12/30/2003
Title: INFECTIOUS CLONES OF RNA VIRUSES AND VACCINES
AND DIAGNOSTIC ASSAYS DERIVED THEREOF

Attorney Docket No.: 2183-4041.4US
Serial No.: 10/750,409
Filing Date: 12/30/2003
Title: INFECTIOUS CLONES OF RNA VIRUSES AND VACCINES
AND DIAGNOSTIC ASSAYS DERIVED THEREOF

Serial No.: 09/874,626

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

The fee pursuant to 37 C.F.R. § 1.17(p) was authorized electronically when the U.S. references were submitted. The fee should only be incurred once, since this submission constitutes part of the total submission and includes the Form PTO/SB/08 listing all references (US, foreign and other). However, should it be determined that any fee is due, which has not been paid, the Office is authorized to withdraw the necessary funds from Trask Britt Deposit Account 20-1469.

Respectfully submitted,



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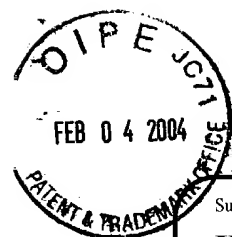
Date: February 4, 2004

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Enclosures: Form PTO/SB/08

Cited Foreign and Other Documents

Document in ProLaw



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 10

Complete if Known

Application Number	09/874,626
Filing Date	June 5, 2001
First Named Inventor	Meulenberg et al.
Group Art Unit	1648
Examiner Name	U. Winkler, Ph.D.
Attorney Docket Number	2183-4041.1US

U.S. PATENT DOCUMENTS

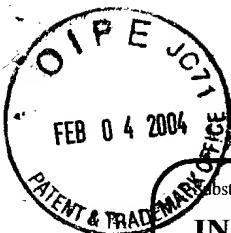
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-3,137,631	06/1964	Soloway	
		US- 3,959,457	05/1976	Speaker et al.	
		US- 4,015,100	03/1997	Gnanamuthu et al.	
		US- 4,205,060	05/1980	Monsimer et al.	
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		US- 6,268,199	07/2001	Meulenberg et al.	
		US- 6,110,467	08/2001	Paul et al.	

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Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		EP 0 440 219 A1	08/1991	Schwiz, Serum- & Impfstitut Bern		
		0 529 584	8/1992	Boehringer Ingelheim Animal Health Inc.		
		EP 0595436 A2	10/1983	Iowa State University Research Foundation, Inc.		
		EP 0732340	3/1996	Akzo Nobel N.V.		
		EP 0 835 930 A1	04/1998	Akzo Nobel N.V.		
		EP 0839912 A1	5/1998	Instituut voor Dierhouderij en Diergezondheid (ID- DLO)		
		WO 93/06211	04/1993	Benfield		
		WO 93/14196	07/1993	Brun		
		WO 94/18311	08/1994	Iowa State University Research Foundation Inc.		
		WO 95/28227	10/1995	Children's Hospital of Philadelphia		
		WO 96/36356	11/1996	Boehringer Ingelheim Corporation		
		WO 96/40932	12/1996	Halbur		
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/874,626
				Filing Date	June 5, 2001
				First Named Inventor	Meulenberg et al.
				Group Art Unit	1648
				Examiner Name	U. Winkler, Ph.D.
Sheet	2	of	10	Attorney Docket Number	2183-4041.1US

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-5,476,778	12/1995	Chladek et al.	
		US- 5,510,258	4/1996	Sanderson et al.	
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Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD- YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		0 587 780	3/1994	Stichting Centraal Diergeneeskundig Instituut		
		0 610 250	12/1995	Akzo Nobel N.V.		
		2 282 881	4/1995	Cyanamid Iberica S A		
		2289279	11/1995	Cyanamid Iberica S A		
		WO 92/21375	12/1992	Stichting Centraal Diergeneeskundig Instituut		
		WO 93/03760	3/1993	Collins et al.		
		WO 96/04010	2/1996	Regents of the University of Minnesota		
		WO 96/06619	3/1996	Paul et al.		
		WO 97/31651	9/1997	Schering Corporation		
		WO 98/18933	5/1998	Bos-De Ruijter		
		WO 98/50426	11/12/1998	Stichting Instituut voor Dierhouderij en Diergezondheid		
		WO 98/55626	12/1998	Origen, Inc.		
		WO 00/53787	09/2000	Stichting Dienst Landbouwkundig Onderzoek		
		WO 02/095040 A1	11/2002	ID-Lelystad, Instituut voor Dierhouderij en Diergezondheid B.V.		
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		Filing Date	June 5, 2001		
		First Named Inventor	Meulenberg et al.		
		Group Art Unit	1648		
		Examiner Name	U. Winkler, Ph.D.		
Sheet	3	of	10	Attorney Docket Number	2183-4041.1US

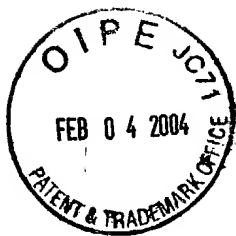
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Sheet	4	of	10	Attorney Docket Number	2183-4041.1US

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				Group Art Unit	1648
				Examiner Name	U. Winkler, Ph.D.
				Attorney Docket Number	2183-4041.IUS
Sheet	5	of	10		

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Sheet	6	of	10	Attorney Docket Number	2183-4041.IUS

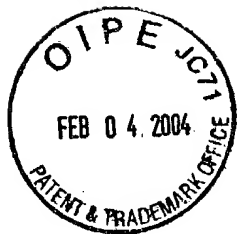
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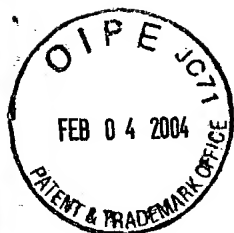
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Sheet 8 of 10

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/874,626
				Filing Date	June 5, 2001
				First Named Inventor	Meulenberg et al.
				Group Art Unit	1648
				Examiner Name	U. Winkler, Ph.D.
Sheet	9	of	10	Attorney Docket Number	2183-4041.IUS

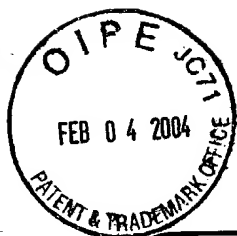
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		KIM HS., et al., Abstract, Enhanced replication of porcine reproductive and respiratory syndrome (PRRS) virus in a homogeneous subpopulation of MA-104 cell line, Arch Virol 133:477-483, 1993.	
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Examiner Signature		Date Considered	
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STATEMENT BY APPLICANT**

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Sheet 10 of 10

Complete if Known

Application Number	09/874,626
Filing Date	June 5, 2001
First Named Inventor	Meulenberg et al.
Group Art Unit	1648
Examiner Name	U. Winkler, Ph.D.
Attorney Docket Number	2183-4041.1US

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

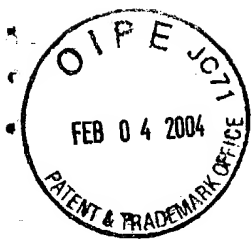
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		PCT International Preliminary Examination Report, PCT/NL02/00314, dated August 26, 2003, 7 pages.	
		NC_001961, Porcine reproductive and respiratory syndrome virus, complete genome.	
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		AE005172, Arabidopsis thaliana chromosome 1, top arm complete sequence.	
		NC_002534, Lactate dehydrogenase-elevating virus, complete genome.	
		U87392, Porcine reproductive and respiratory syndrome virus strain VR-2332, complete genome.	
		M96262, Lelystad virus, complete genome.	
		AF184212, Porcine reproductive and respiratory syndrome virus strain SP, complete genome.	
		AF159149, Porcine reproductive and respiratory syndrome virus isolate MLV RespPRRS/Repro, complete genome.	
		AF046869, Porcine reproductive and respiratory syndrome virus isolate 16244B, 2/18/97 (Nebraska)pass.3, complete genome.	
		U15146, Lactate dehydrogenase-elevating virus Plagemann strain, complete genome.	
		VIIIth International Symposium on Nidoviruses (Corona and Arteriviruses), May 20-25, 2000.	

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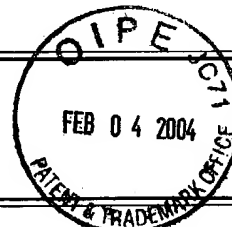
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(Serial No. 09/874,626)

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Title of
InventionINFECTIOUS CLONES OF RNA VIRUSES AND VACCINES AND DIAGNOSTIC
ASSAYS DERIVED THEREOF

Submission Type: Information Disclosure Statement

Application Number: 09/874626

09/874626

EFS ID: 54168

Server Response:

Confirmation Code	Message
ISVR1	Submission was successfully submitted - Even if Informational or Warning Messages appear below, please do not resubmit this application
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ISYS5	Filename= N/A BusinessRule= Validation System/Function Call Information. #Supporting Msg:Server unable to validate the Confirmaton/Application numbers at this time. They will be checked by PTO personnel later.

First Named Applicant: Johanna Meulenberg

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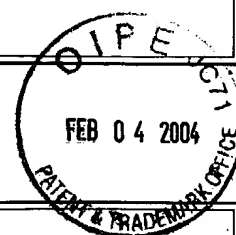
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Title of
InventionINFECTIOUS CLONES OF RNA VIRUSES AND VACCINES AND
DIAGNOSTIC ASSAYS DERIVED THEREOF

Application Number: 09/874626

09/874626

Confirmation Number: 9761

First Named Applicant: Johanna Meulenberg

Attorney Docket Number: 2183-4041.1US

Art Unit: 1648

Examiner: Ulrike Windler Ph.D.

Search string: (3137631 or 3959457 or 4015100 or 4205060 or 4452747 or 4606940 or 4744933 or 4921706 or 4927637 or 4944948 or 5008050 or 5009956 or 5132117 or 6268199 or 6110467 or 5476778 or 5510258 or 5620691 or 5677429 or 5683865 or 5690940 or 5695766 or 5840563 or 5846805 or 5998601 or 6197310 or 6251397 or 6455245 or 6495138 or 6500662 or 20030157689).pn.

US Patent Documents

Note: Applicant is not required to submit a paper copy of cited US Patent Documents

init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
	1	3137631	1964-06-22	Soloway			
	2	3959457	1976-05-25	Speaker et al.			
	3	4015100	1997-03-29	Gnanamuthu et al.			
	4	4205060	1980-05-27	Monsimer et al.			
	5	4452747	1984-06-05	Gersonde et al.			
	6	4606940	1986-08-19	Frank et al.			
	7	4744933	1988-05-17	Rha et al.			
	8	4921706	1990-05-01	Roberts et al.			
	9	4927637	1990-05-22	Morano et al.			
	10	4944948	1990-07-31	Uster et al.			

	11	5008050	1991-04-16	Cullis et al.
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	13	5132117	1992-07-21	Speaker et al.
	14	6268199	2001-07-31	Meulenberg et al.
	15	6110467	2001-08-29	Paul et al.
	16	5476778	1995-12-19	Chladek et al.
	17	5510258	1996-04-23	Sanderson et al.
	18	5620691	1997-04-15	Wensvoort et al.
	19	5677429	1997-10-14	Benfield
	20	5683865	1997-11-04	Collins et al.
	21	5690940	1997-11-25	Joo
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	24	5846805	1998-12-08	Collins et al.
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	26	6197310	2001-03-06	Wensvoort et al.
	27	6251397	2001-06-26	Paul et al.
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	29	6495138	2002-12-17	van Nieuwstadt et al.
	30	6500662	2002-12-31	Calvert et al.

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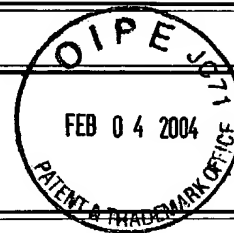
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Title of
InventionINFECTIOUS CLONES OF RNA VIRUSES AND VACCINES AND DIAGNOSTIC
ASSAYS DERIVED THEREOF

Application Number: 09/874626 *09/874626*

Date: 2001-06-05

First Named Applicant: Johanna Jacoba Maria Meulenberg

Attorney Docket Number: 2183-4041.1US

Art Unit: 1648

Examiner: Ulrike Windler Ph.D.

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